

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BRENDA SANSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-CV-9
(Judge Maxwell)

MICHAEL ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**REPORT AND RECOMMENDATION RECOMMENDING MOTION TO REMAND BE
GRANTED**

Plaintiff filed this action on January 30, 2007, seeking judicial review pursuant to 42 U.S.C. § 405(g). Commissioner filed his answer on April 5, 2007. Plaintiff filed a motion for summary judgment on May 3, 2007. On May 16, 2007, Commissioner filed a motion asking the Court to remand the case to the ALJ for further consideration of the medical opinion evidence. Commissioner's motion stated his counsel had contacted Plaintiff's counsel and Plaintiff's counsel did not oppose the motion.

Accordingly, the Undersigned RECOMMENDS that Commissioner's Motion to Remand (docket 12) be GRANTED.

Any party who appears *pro se* and any counsel of record, as applicable, may, within ten (10) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should be submitted to the District Court Judge of Record. Failure to timely file objections to the Report

and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation.

DATED: May 29, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE